

**U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**CATEGORICAL EXCLUSION REVIEW AND DECISION RECORD  
(DOI-BLM-OR-M040-2015-0009-CX)**

**Project Name:** Oregon Gulch Fire Emergency Stabilization and Rehabilitation Fence  
Repair, Replacement, and Removal Project

**BLM Office:** Ashland R.A., Medford District

**Contact:** Zach Million, Outdoor Recreation Planner

**Phone #** (541) 618-2318

**DESCRIPTION & LOCATION OF THE PROPOSED ACTION**

The BLM proposes to repair, replace, and construct approximately 5 miles of 4-wire, all steel, barbed wire fence (wildlife friendly) along property lines and around riparian areas of the Cascade-Siskiyou National Monument (CSNM), Soda Mountain Wilderness (SMW) and Matrix land use allocation (LUA) parcels affected by the Oregon Gulch Fire (see Maps 1-3 below). The primary purpose of this fencing work is to 1) prevent illegal motorized use and unauthorized cattle grazing in the SMW and 2) protect the riparian area along Fall Creek from cattle grazing while it recovers from the effects of the Oregon Gulch Fire. Additionally, the fencing will reduce potential impacts to soils, streams, water quality, forest sites, plant communities, and adjacent private property.

Approximately 0.4 miles of fence would be removed along the northwest boundary of T. 40 S., R. 4 E., Section 34 and replaced with new fence to better delineate the boundary of the wilderness (Map 3).

Vegetation will be cleared within the line of sight necessary for the cadastral crew to complete surveys. The fence construction includes prefabricated metal brace panels and prefabricated metal corner braces. In areas where the ground is excessively rocky, installation of rock jacks or cribs may be required. The construction of rock cribs will require the gathering of surface rock that is placed inside a cylinder of wire field fencing and T-posts. Rock cribbing construction will require treated posts and lumber to be hauled to the construction site and fabricated to the specifications. Large down woody debris that inhibits fence construction along property lines will be cut as minimally as possible with cross cut saws and hatchets to allow the pass through of fencing construction. Fence material will not be attached to trees. Trees will be limbed from the bottom, at least 2 feet above the top wire. Scabbing material shall be placed in sufficient amount around trees to keep wire from touching the tree and to allow continued growth of the tree. Scabbing material shall be native material, such as dead pine, or fir limbs. The posts and wire will be painted green as approved by the BLM standard environmental color chart to minimize the potential to visual resource impacts.

To maintain pedestrian and stock animal (pack and saddle) access and prohibit motorized use into the SMW, a bedframe gate (Figure 1) will be installed along the property line and southern access road into the former Box O Ranch area. In order to facilitate the removal of trespass cattle from the former Box O Ranch and Jenny Creek area, a lightweight metal gate of welded construction (Figure 2) will be also installed. This metal gate will be locked securely except when trespass cattle are being removed from the SMW.

In addition, 500 feet of unpeeled buck and rail fencing will be constructed adjacent to these access points. Along the property line to the east, a quarter mile of barbed wire fence and pieces of an old corral

damaged by the Oregon Gulch Fire will be removed. Two BLM road gates that access the former Box O Ranch area and located along the property lines of the SMW will be removed and an earthen berm will be constructed at the northern most location to prevent motorized access.

## PROJECT DESIGN FEATURES

Motorized vehicles including ATVs will not be allowed off-road for fence construction and material removal. Mobilization of material will include non-motorized means of transporting materials across monument and riparian areas by foot or pack animal.

All equipment, tools, and vehicles will be washed clean and devoid of mud and debris prior to engaging in project activities. When practical, immediately after performing project activities in or near weed infested areas, clean all tools, equipment, and vehicles before moving to weed-free areas in order to prevent weed spread.

A BLM archaeologist will be on site will be onsite during the fence construction for the enclosure around Fall Creek.

If during project implementation the contractor encounters or becomes aware of any objects or sites of paleontological or cultural value on federal lands, such as fossils, historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor will immediately suspend all operations in the vicinity of the cultural value and notify the Authorized Officer of the findings. The project may be redesigned to protect the cultural resource values present, or evaluation and mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with concurrence by the Ashland Field Manager and State Historic Preservation Office.

## PLAN CONFORMANCE

The proposed action is located on BLM-administered land and lies within and outside of the Cascade-Siskiyou National Monument. The proposed action is in conformance with and tiered to both the 1995 Medford District Record of Decision (ROD) and Resource Management Plan (RMP) and the 2008 Cascade-Siskiyou National Monument ROD and RMP. The proposed action is consistent with Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS, 1985) and the 2001 ROD and Standards and Guidelines for Amendments to Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines. The proposed action is in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

This project is not a habitat disturbing activity, as defined in page 22 of the Standards and Guidelines of the *2001 Record of Decision and Standards and Guidelines*, for any Survey and Manage species. Because the project is not habitat disturbing, the Survey and Manage provisions, including pre-disturbance surveys, are not required under the *2001 Record of Decision and Standards and Guidelines*, (Standards and Guidelines, p. 7, 21-22).

The proposed action is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the

Archaeological Resources Protection Act of 1979.

The proposed action is in conformance with the applicable land use plan because it is specifically provided for in the Medford RMP for Matrix lands outside the CSNM/SMW, “Manage off-highway vehicles(OHV) use on BLM-administered land to protect natural resources...(p. 63).” It is also specifically provided for in the CSNM RMP with the management objectives, “eliminate illegal cross-country use by motorized vehicles. Identify and close unofficial (non-inventoried) routes that may cause resource degradation (p.83).”

Specifically, the proposed action is in conformance with the following stipulations in the Northwest Forest Plan and the Medford District RMP:

- “Immediately establish an emergency team to develop a rehabilitation treatment plan needed to attain Aquatic Conservation Strategy objectives whenever Riparian Reserves are significantly damaged by wildfire” (p.30, 90 – Fire Management).
- “Design and implement watershed restoration projects in a manner that promotes long-term ecological integrity of ecosystems...and attains Aquatic Conservation Strategy and riparian reserve objectives” (p.31, Watershed and Habitat Restoration in Riparian Reserves).

## COMPLIANCE WITH NEPA

The proposed action is categorically excluded from further documentation under NEPA in accordance with 43 CFR 46.210 (1) and 516 DM 11.9 G (2) and J (10) as follows.

43 CFR 46.210 (1) Post-fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds) to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities must comply with the following (Refer to the ESM Series for additional, required guidance.): (1) Shall be conducted consistent with bureau and Departmental procedures and applicable land and resource management plans; (2) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and (3) Shall be completed within three years following a wildland fire.

516 DM 11.9 G (2) Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.

516 DM 11.9 J (10) Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.

## CATEGORICAL EXCLUSION REVIEW

Department of the Interior Regulations 43 CFR § 46.205 (c) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances found at 43 CFR § 46.215. The Code of Federal Regulations at 43 CFR § 46.215 provide for a review of the following criteria for categorical exclusion to determine if exceptions apply to the Proposed Action based on actions which may:

CX Extraordinary Circumstances Documentation	Yes	No
1. Have significant impacts on public health or safety.		X
<b>Rationale:</b> Since the project is limited to fence work, gate installation, and removal of an old corral, there are no anticipated effects to public health and safety.		
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
<b>Rationale:</b> The project work will better delineate the boundary of the Soda Mountain Wilderness and the Cascade-Siskiyou National Monument.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
<b>Rationale:</b> Based on past experience from these types of activities, there are no predicted environmental effects from the proposed activities that are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses. The Cascade-Siskiyou National Monument Resource Management Plan allows for activities to eliminate illegal cross-country use by motorized vehicles.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
<b>Rationale:</b> There are no highly uncertain, potentially significant, unique, or unknown environmental effects associated with this project.		
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
<b>Rationale:</b> The activities proposed in this CX are addressed and authorized under the CSNM and Medford ROD/RMPs. The proposed activities occur widely on Federal lands throughout Oregon and there is no evidence this type of activity would establish a precedent or decision for future actions that would have significant environmental effects.		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
<b>Rationale:</b> The Proposed Action would not result in a cumulative significant effect when added to relevant past, present, and reasonably foreseeable actions in the area.		
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
<b>Rationale:</b> The fence work, gate installation, and corral removal will not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.		
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X

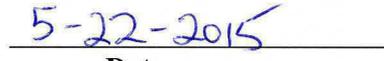
CX Extraordinary Circumstances Documentation	Yes	No
<p><b>Rationale:</b> The proposed project activity location has been reviewed by the BLM botanist and wildlife biologist. The proposed activities would have no significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.</p> <p>There are no Endangered, Threatened, or Proposed plant species within the project area and habitat is poor or non-existent.</p> <p>The northern spotted owl (NSO), a threatened species, has nesting, roosting, and foraging, (NRF) and dispersal habitat in the vicinity of the proposed fence construction. The project area is outside of designated Critical Habitat for the NSO. None of the fence work proposed on Federal land would modify northern spotted owl habitat. The proposed fence line does not pass within 1/4 mile of any known historic northern spotted owl nest sites. No effect to northern spotted owls is anticipated from the proposed fence construction.</p> <p>The proposed fence construction is within an Area of Known Wolf Activity for the Keno wolf pair of gray wolves, an endangered species. No known den or rendezvous sites are in the vicinity of the fence. No effect to gray wolves is anticipated from the proposed fence construction.</p> <p>The proposed fence line will pass through habitat likely to be used by fishers (proposed for listing). No den sites are known in this area. No habitat suitable for fisher use would be modified by constructing this fence. No effect to fisher is anticipated from the proposed fence construction.</p>		
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<p><b>Rationale:</b> The proposed activities conform to the CSNM and Medford RMPs' direction for management of public lands on the Medford District and comply with applicable laws, rules, and regulations.</p>		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
<p><b>Rationale:</b> Similar actions have occurred throughout the District and there is no evidence that this type of activity would have a disproportionately high and adverse effect on said populations.</p>		
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 130007).		X
<p><b>Rationale:</b> The proposed activities do not significantly or adversely affect the physical integrity of any such sacred sites.</p>		
12. Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X
<p><b>Rationale:</b> The proposed activities do not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or nonnative invasive species above what would be present from other recreational and visitor activities that occur on federal lands.</p>		

## DECISION AND RATIONALE

Based on the attached Categorical Exclusion, it is my decision to implement the Oregon Gulch Fire Emergency Stabilization and Rehabilitation Fence Repair, Replacement, and Removal Project as described in the Proposed Action within the Ashland Resource Area.

In addition, I have reviewed the plan conformance statement and have determined the Proposed Action is in accordance with the approved land use plans and that no further environmental analysis is required. Therefore, an environmental assessment or an environmental impact statement is not needed. It is my decision to implement the Proposed Action as described.

  
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**Kristi Mastrofini**  
**Acting Field Manager**  
**Ashland Resource Area**

  
\_\_\_\_\_  
**Date**

## ADMINISTRATIVE REMEDIES

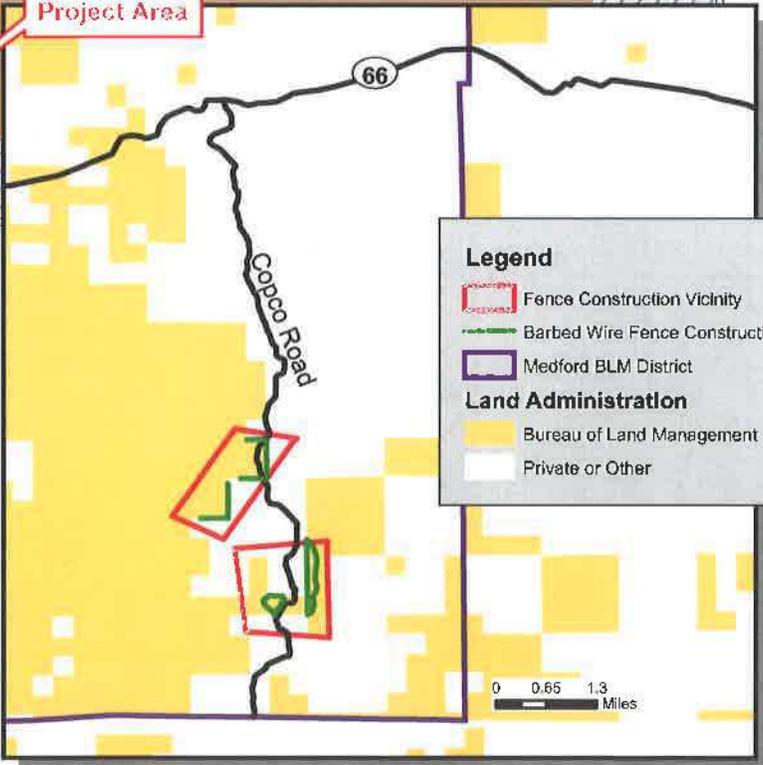
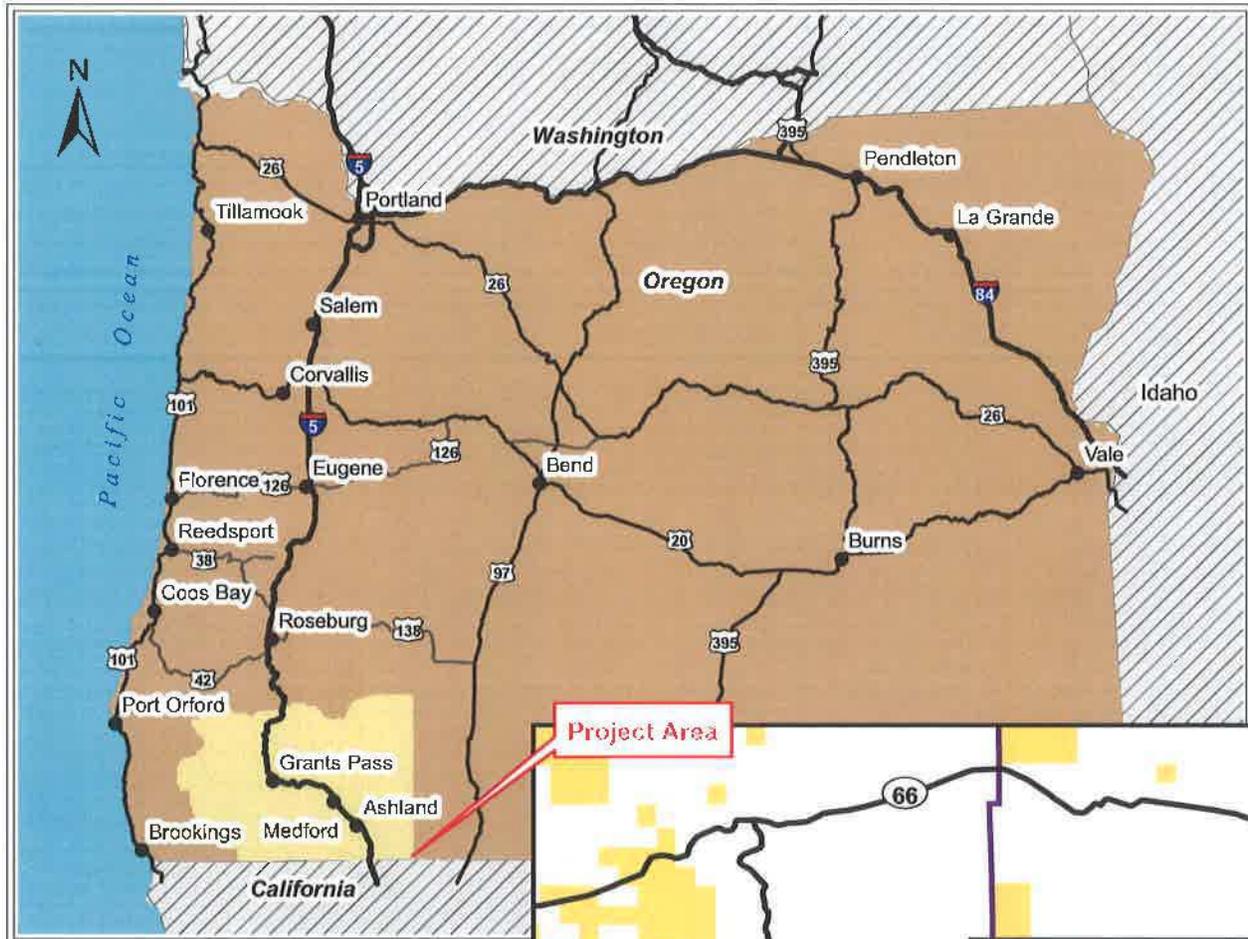
Notice of this decision will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

For additional information concerning this decision contact Michelle Calvert, Planning and Environmental Coordinator, telephone (541) 618-2252, 3040 Biddle Road, Medford, Oregon 97504.

# VICINITY MAP

## *Oregon Gulch Fence Construction*

### MEDFORD DISTRICT BLM



**Legend**

- Fence Construction Vicinity
- Barbed Wire Fence Construction
- Medford BLM District

**Land Administration**

- Bureau of Land Management
- Private or Other



**United States Department of the Interior  
Bureau of Land Management**

Medford District  
3040 Biddle Rd  
Medford, OR 97504  
541-618-2200  
Email: [BLM\\_OR\\_MD\\_Mail@blm.gov](mailto:BLM_OR_MD_Mail@blm.gov)  
Website: [www.blm.gov/or/districts/medford](http://www.blm.gov/or/districts/medford)

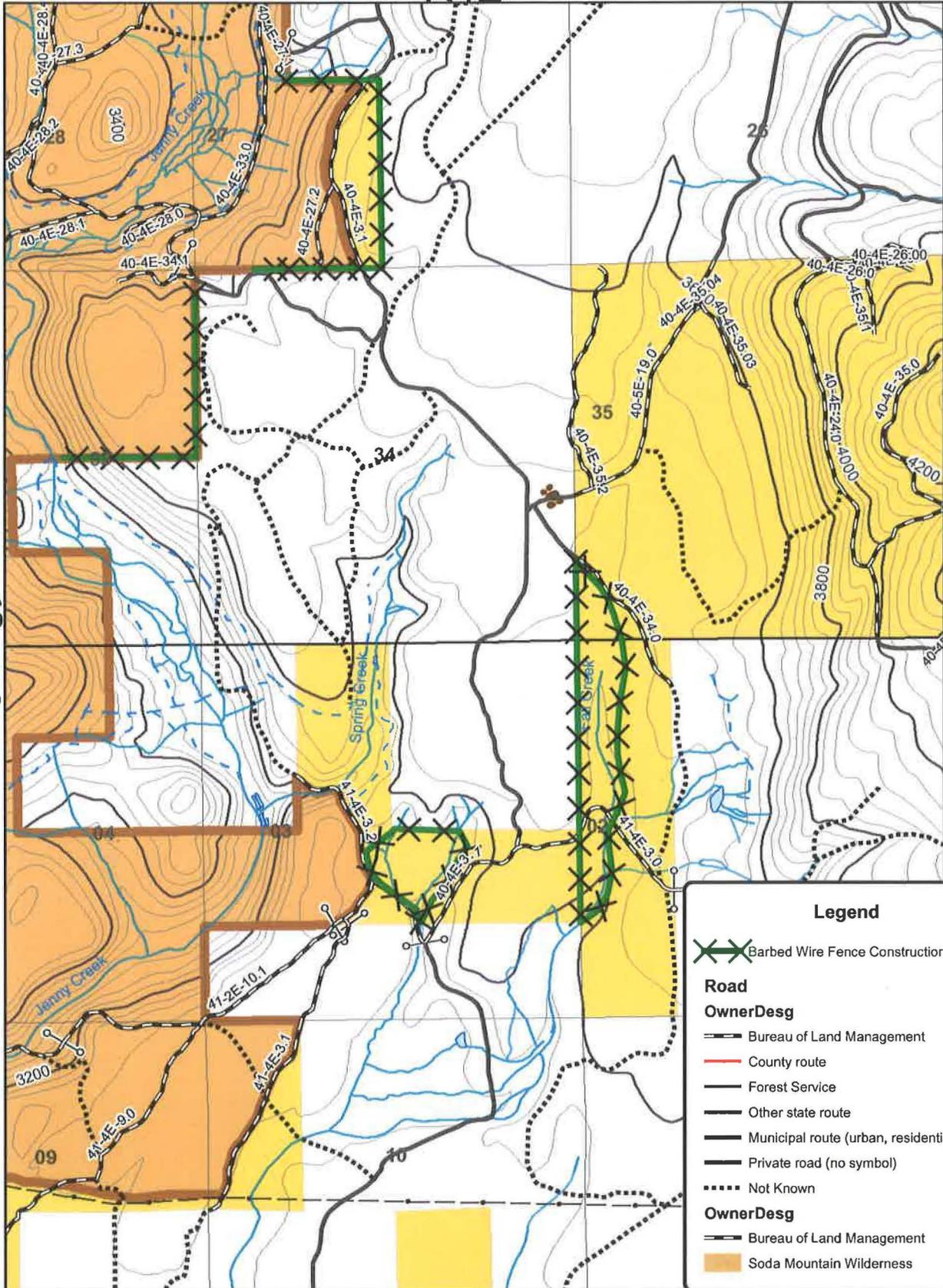
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

# Oregon Gulch Fence Construction



T40S  
T41S

R4E



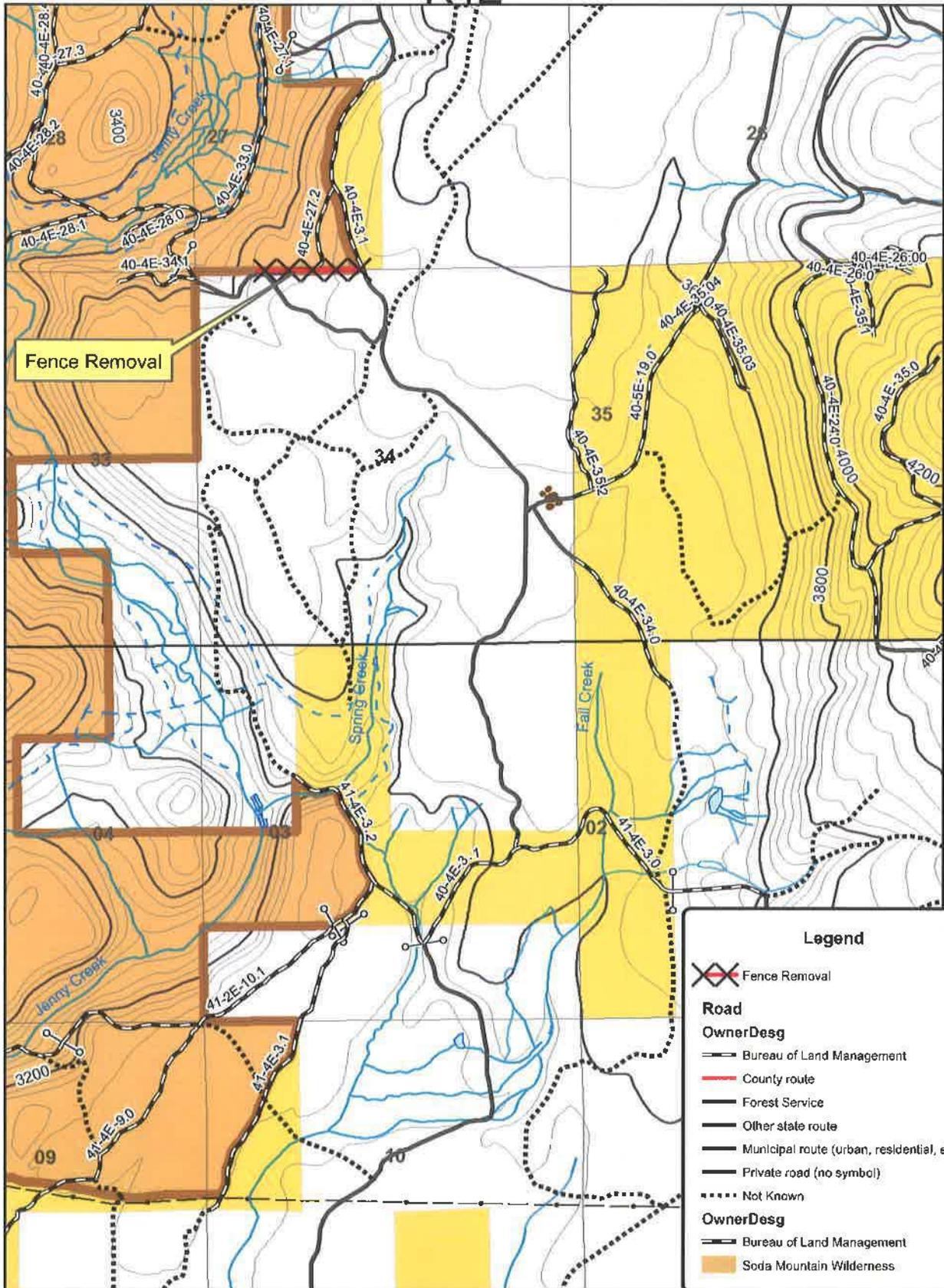
1 in = 2,000 ft

# Oregon Gulch Fence Removal



R4E

T40S  
T41S



1 in = 2,000 ft

Figure 1. "Bedframe" Gate for pedestrian and animal stock access into the Soda Mountain Wilderness

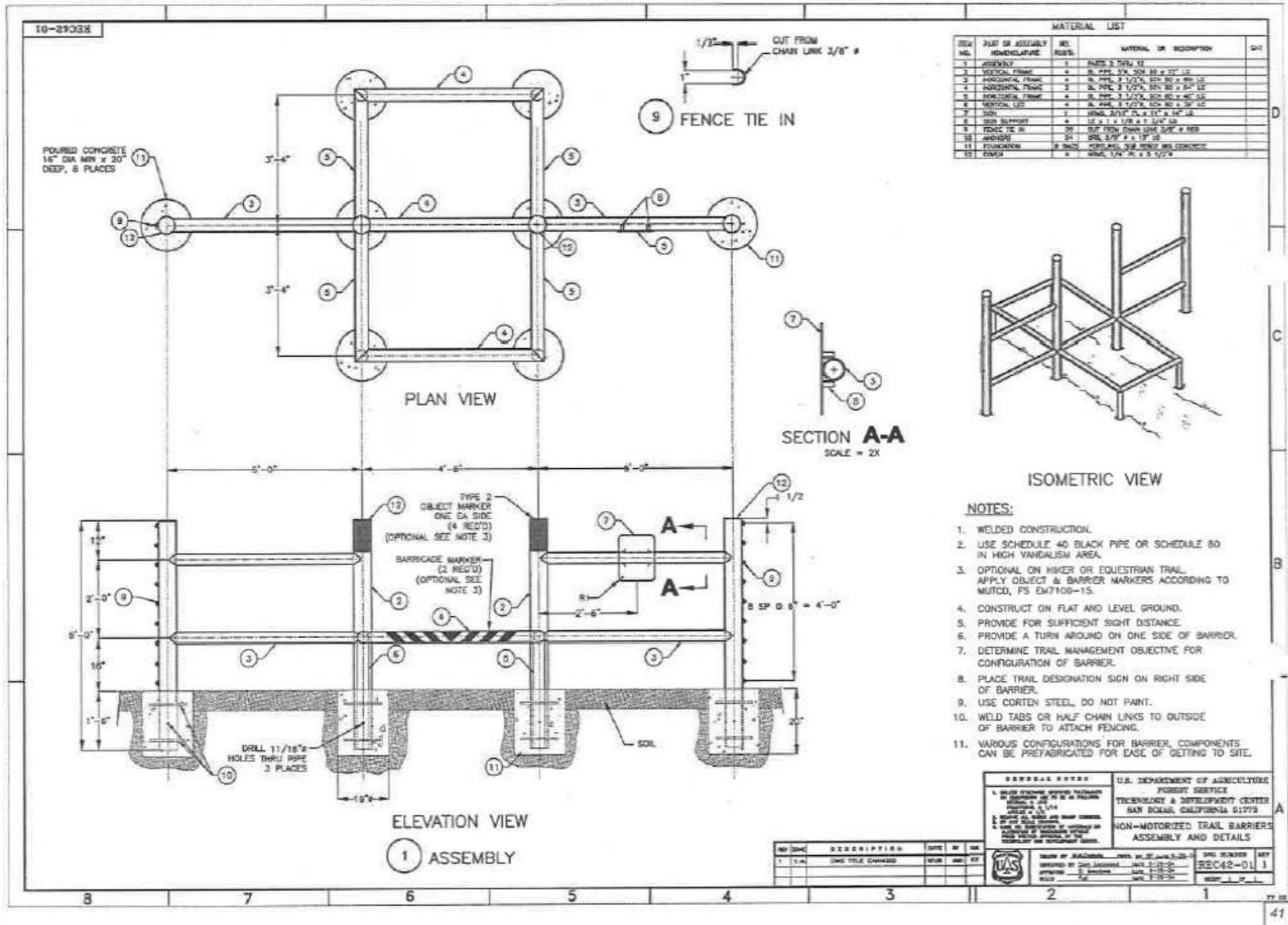
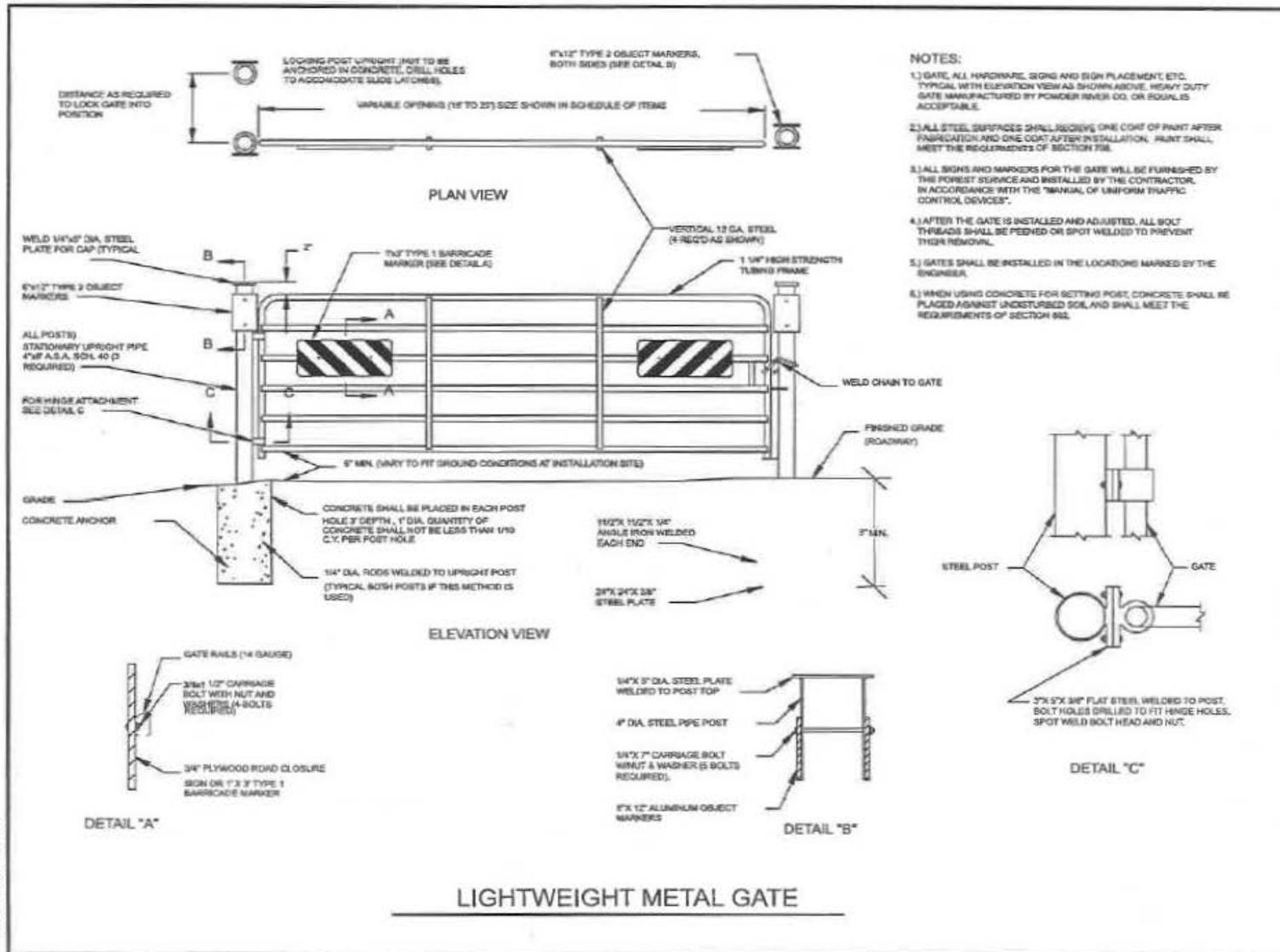


Figure 2. Metal Gate Diagram



PR-GATELWD REV. 07/17